



Montoya, Darlene <dmontoya@nmag.gov>

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## Requesting Information

3 messages

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**Tony Budrow** <tbudrow@leacounty.net>

Wed, Jan 11, 2017 at 11:01 AM

To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Cc: Tony Budrow <tbudrow@leacounty.net>, Steve Ackerman <sackerman@leacounty.net>, Connie Balderaz <cbalderaz@leacounty.net>

Good morning Darlene,

Sheriff Ackerman requested I respond to your request dated December 19, 2016 regarding Request for Policies and Procedures Related to Officer-Involved Shootings and Other Use of Force Incidents

I have attached the Lea County Sheriff's Office policy and procedures regarding your request

If I can be of any further assistance please feel free to contact me

Thank you

*Anthony Budrow, Chief Deputy*

*Lea County Sheriff's Office*

*(575) 396-8205 Office*

*(575) 396-6555 Fax*

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### 3 attachments



**ADM 4.pdf**

232K



**ADM 5.pdf**

276K



**Scan.pdf**

483K

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**Steve Ackerman** <sackerman@leacounty.net>

Wed, Jan 11, 2017 at 11:05 AM

To: Tony Budrow <tbudrow@leacounty.net>, "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Cc: Connie Balderaz <cbalderaz@leacounty.net>

Ms. Darlene,

We are currently in the process of the update and renewal of all of our policies and procedures to meet accreditation standards of NMML/NMAC

Standards.

If the committee is going to make any recommendations state wide to all or various participating agencies, I would greatly appreciate any feedback

generated.

Thank you in advance and stay safe,

Sheriff Ackerman

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**From:** Tony Budrow  
**Sent:** Wednesday, January 11, 2017 11:01 AM  
**To:** [dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)  
**Cc:** Tony Budrow <[tbudrow@leacounty.net](mailto:tbudrow@leacounty.net)>; Steve Ackerman <[sackerman@leacounty.net](mailto:sackerman@leacounty.net)>; Connie Balderaz <[cbalderaz@leacounty.net](mailto:cbalderaz@leacounty.net)>  
**Subject:** Requesting Information

[Quoted text hidden]

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**Montoya, Darlene** <[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)>  
To: Tony Budrow <[tbudrow@leacounty.net](mailto:tbudrow@leacounty.net)>

Wed, Jan 11, 2017 at 11:30 AM

Thank you so much Chief Deputy Budrow. I will get these printed out and added for our files. Have a great rest of the day.

[Quoted text hidden]

—

Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
(505) 490-4854

## ADM 4-05 FIREARMS, HOLSTERS AND AMMUNITION

### POLICY:

The Lea County Sheriff's Office issues deputies a duty sidearm, 12 gauge shotgun, .223 caliber rifle, approved holster or sling, and necessary ammunition for these firearms, and authorizes the use of alternative, secondary and/or off-duty firearms under certain criteria. Deputies shall be trained in the proficient use of their firearms and are authorized to carry them on-duty and off-duty as set forth in this section. This policy is not intended to limit the rights of a deputy to carry firearms off-duty in the same manner as any other citizen, but rather to define their authorization to carry a firearm under the color of law. Nothing in this section shall prohibit a deputy from utilizing any weapon available to him/her for self defense or for the defense of another in a use of force situation.

### ADM 4-05-1 AUTHORIZATION AND APPROVAL TO USE FIREARMS

- A. Only firearms authorized by the Sheriff or their designee for use under color of law shall be considered as "official" firearms.
- B. Part-time, casual or special deputies are not authorized to carry a concealed loaded firearm pursuant to **4-41-10, NMSA, 1978**, unless they are in possession of a Concealed Carry Permit issued from an appropriate jurisdiction.
  1. Part-time, casual or special deputies who carry firearms in the execution of their duties must meet the requirements listed in this policy; however, they are not authorized to carry department issued weapons or act under color of law when off-duty unless specific authorization has been delegated by the Sheriff.
- C. Full-time deputies, regardless of their certification status, must carry their Sheriff's Office issued firearms when on-duty throughout their probationary period. They may request authorization to carry an off-duty firearm, however, the carrying of such firearms are subject to the requirements of this policy and New Mexico law.
  1. The restriction for probationary deputies regarding duty firearms may be waived under the Sheriff's authority based on a recommendation from the firearms instructor.
- D. Upon completion of their probationary year, certified, full-time deputies may carry alternative, secondary, and/or off-duty firearms in anticipation of their potential duty to act under color of law at any time. The carrying of such firearms is subject to the requirements of this policy.
  1. Only full-time deputies may carry a concealed, loaded firearm without a Concealed Carry Permit pursuant to **4-41-10.1, NMSA 1978**.
  2. All deputies must ensure they are in compliance with **HR 218**, when performing official duties in another state.

- E. Whenever carrying a firearm under color of law, deputies are required to have their badge and commission card readily accessible.
  - 1. Deputies who carry their weapon openly while in civilian attire must have their badge displayed. If the weapon is concealed the deputy should conceal their badge also.
  - 2. Part-time, casual or special deputies who choose to carry in civilian attire in the same manner as a private citizen shall not display their official badge or carry a department issued weapon.
- F. To obtain authorization to carry an alternative, secondary or off duty firearm, the following requirements must be met:
  - 1. The deputy must have successfully completed their probationary year(s) after hiring, unless this is waived by the Sheriff or their designee.
  - 2. The deputy will submit a letter of request along with the firearm and 50 rounds of test ammunition to the Sheriff's Office's chief firearms instructor.
  - 3. The firearms instructor will inspect the weapon for function and safety. If the weapon is deemed appropriate, the deputy will successfully pass the appropriate NMDPS and Sheriff's Office qualification courses for each firearm they intend to carry. The firearms instructor will present their written findings and recommendations regarding the firearm and qualification score to the requesting deputy.
  - 4. The deputy shall present the written documentation via their Chain of Command to the Sheriff, with an attached memorandum requesting authorization to carry the weapon as an alternative, secondary and/or off-duty weapon.
  - 5. If approved, the original approval will be forwarded to the training officer from the Office of the Sheriff for inclusion into the deputy's personnel file. A copy will be sent to the deputy.

**ADM 4-05-2 FIREARMS RESTRICTIONS**

- A. No official firearm will be subjected to any alteration unless it is done by an authorized armorer or under their supervision.
- B. Deputies who choose to carry alternative, secondary or off-duty firearms shall incur the cost for the weapon, its maintenance and ammunition and the appropriate holster or sling and accessories for the weapon.
- C. The Sheriff's Office will not compensate or assume the cost for such firearms, their maintenance, the ammunition, or any accessories.
- D. Deputies are urged to coordinate with the firearms instructor regarding any alternative, secondary or off-duty firearm they request to carry; and to obtain guidance regarding the ammunition and accessories for the weapon prior to purchase. This will preclude the deputy purchasing items that will not be approved for carry.
- E. Holsters worn for on and off-duty carry under color of law must be approved by the firearms instructor, and must hold the weapon securely to allow for a safe presentation

of the weapon. Additionally, deputies shall pass a qualifying course of fire prior to utilization.

- F. All authorized firearms will be maintained in a safe and working condition.
  - 1. Armorers and firearms instructors may "deadline" any weapon or accessory they determine is not suitable or is unsafe. When this occurs, deputies will transition to an approved firearm or accessory until deficiencies are corrected or the weapon/accessory replaced.
- G. Deputies will participate in annual firearms training/qualification to maintain firearms proficiency.

**ADM 4-02-3                      TABLE 4-05-3 (A): AUTHORIZED FIREARM TYPES AND CALIBERS**

- A. The authorized types of firearms and calibers for on-duty or off-duty carry are listed in this table. Calibers or firearms types that are not listed on the table **WILL NOT** be approved for carry under color of law.

**Table ADM 4-05-3 (A): Authorized Firearm Types and Calibers**

<b>Classification</b>	<b>Type</b>	<b>Calibers</b>
On-duty Sidearm	Semi-Automatic	.45 ACP; .40 S&W; 9mm
	Double-Action Revolver	.357 Magnum
Off-Duty/Secondary Firearm	Semi-Automatic	.45 ACP, .40 S&W, 9 mm, .380
	Double-Action Revolver	.357 Magnum, .38 +p
Shotgun	Pump	12 ga.
Rifle	Semi-automatic	.223/5.56 mm
SWAT Weapons	Specialty	As designated by Commander

**ADM 4-05-4                      CARRYING AND HANDLING OF FIREARMS**

- A. Deputies are authorized to carry a firearm into a liquor establishment provided they are acting in accordance with New Mexico statute and the policies of this agency. Deputies are responsible for the security of all firearms under their control.
  - 1. Revolvers will be carried un-cocked and loaded to capacity.
  - 2. Semi-automatic pistols will be carried fully loaded with a round in the chamber.
    - a. Single-action pistols will be carried cocked with safeties engaged.
    - b. Double action pistols will be carried with the hammer down and safeties engaged

if such are present.

- B. Firearms will be carried in a safe and secure manner. Horseplay, flippant behavior, removal of firearms from holsters or other carrying devices for "show off" purposes is prohibited.
- C. Shotguns and rifles will be carried with no round in the chamber, hammer back, safety on, and action forward. Magazines will be loaded to capacity.
  - 1. Shotguns and rifles will be kept in a secured area (e.g., trunk gun lock, etc.), except when needed in the performance of duty or as directed by the Firearms Range staff. At no time will a deputy leave a shotgun or rifle unattended and unsecured.
- D. Personnel will exercise caution to avoid negligent or unintentional discharge of any firearm in their control. If an unintended discharge of a firearm occurs while acting under color of law, the following procedure will be followed:
  - 1. The employee will immediately notify their direct supervisor and inform them of the event. The direct supervisor is responsible for notifying consecutive superiors as well as Internal Affairs.
  - 2. The supervisor shall conduct an immediate investigation into the event and render a formal memorandum to their Division Chief Deputy via Chain of Command reporting their findings.
  - 3. The only exception to this event is if an employee inadvertently discharges a firearm during a course of fire during training or qualifications that DOES NOT result in damage or injury to any person or item, and the Range Master determines a report is unnecessary due to the specifics of the event.
  - 4. Employees involved in a negligent discharge will be ordered to undergo a drug/alcohol screening.

**ADM 4-05-5                      AUTHORIZED AMMUNITION**

- A. Only that ammunition issued or authorized by the Sheriff's Office will be utilized when acting under color of law.
- B. The Sheriff or his designee may authorize special-use ammunition and components for use by the SWAT team or other mission-specific situations. Such authorizations will be recorded in a Memorandum from the Office of the Sheriff.
- C. In addition to a fully loaded sidearm, on-duty deputies will carry at least 1 additional full magazine for semi-automatics or one additional speed-loader for revolvers.

## **ADM 5-02      USE OF FORCE, INCLUDING DEADLY FORCE EVENTS**

### **POLICY:**

In vesting law enforcement deputies with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of the Lea County Sheriff's Office that deputies shall use only that force which is reasonable and necessary to affect lawful objectives. All deputies will act in good faith in the exercise of force. All deputies shall be provided with and be familiar with all provisions of the New Mexico State Statutes and this directive governing the legal use of Deadly Force. While clear boundaries of reasonableness can be defined for certain law enforcement situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each deputy with policy guidance and direction with respect to the use of force in carrying out their duties and provide procedural guidance for investigating the use of deadly force.

### **ADM 5-02-1              JUSTIFICATION FOR THE USE OF FORCE**

- A. Justification for the use of force is limited to what is reasonably known or perceived by the deputy at the time. Facts discovered after the event, no matter how compelling, cannot be used in later determinations of whether the use of force was justified.

### **ADM 5-02-2              APPLICATION OF FORCE LEVELS**

- A. Deputies should use the least force available when dealing with individuals, remaining consistent with preserving public safety, order, and individual liberty. Where force is warranted, deputies should assess the incident and employ the level of force they believe is necessary to protect life and or will reasonably de-escalate the incident and bring it under control safely. No weapon may be used with punitive intent.
- B. Deputies are authorized to use those defensive tactics and weapons with which they are trained, qualified, and or certified with, as determined by NMDPS and Sheriff's Office training and agency procedures; they shall use them in keeping with their training.
  - 1. Deputies must subject themselves to, witness training staff utilizing, and/or participate in appropriate NMDPS and internal qualifications with all weapons they are issued prior to on-duty carry. This will allow the deputy to become familiar with the effects of each weapon.
- C. Deputies will normally use the following weapons when applying force. They are listed below:
  - 1. Defensive Empty Hand tactics
  - 2. Issued Electronic Control Device (ECD) or Electronic Prisoner Control Device (EPCD)
  - 3. Issued Chemical Weapons
  - 4. Issued ASP Baton

5. 12 Gauge Shotgun Bean Bag Round
6. Issued and approved Firearm and Ammunition

***This list is not a continuum of force which must be progressed through. Deputies shall apply the level of force consistent with their training and necessary to the event.***

- D. When a confrontation escalates suddenly, a deputy may use any means or device at hand to protect themselves or others, as long as the force is reasonable for the existing circumstances.
- E. Division Chief Deputies are responsible for ensuring supervisors and subordinates under their command conform to policy regarding the use of force.

**ADM 5-02-3                      GUIDELINES FOR X-26/M-26 ELECTRONIC CONTROL DEVICES**

- A. The ECD device may be employed on a person who is resisting lawful efforts to control them by aggressive movements and an escalation of resistive force, or if a person has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. Deputies will not remove an ECD from their duty belts unless it is to be deployed in a use of force situation, inspected by the deputy, maintenance of the device is being performed by a certified instructor, maintenance of the deputy's duty belt is being done, or they have been directed to do so by a supervisor.
  1. Prior to their shift beginning, deputies will perform a function test on their ECD in accordance with the manufacturer's recommendations.
  2. ECDs will be carried in an approved/issued Taser holster in a manner consistent with training and that helps avoid weapon confusion with the deputy's primary weapon.
    - a. Deputies will carry their ECD armed with the safety on.
    - b. Deputies issued an X-26 or M-26 will be issued a minimum of one spare cartridge as a backup. Deputies will store and carry this cartridge consistent with training and will replace the cartridges consistent with the manufacturer's expiration requirements.
    - c. Only agency approved battery powered sources shall be used in the ECD.
- C. The X-26 Taser ECD is target specific. Recommended target areas are the subject's torso (the back if possible and center mass) and or legs. Deputies should avoid sensitive areas such as the eyes, throat, neck, or groin.
- D. Using the X-26 / M-26 Taser ECD under the following circumstances would normally be prohibited. However, if the X-26 Taser ECD could be used to protect the deputy or another from bodily harm or death, using the device may be justified as follows:
  1. On a handcuffed or secured prisoner, displaying overly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.



2. On a subject who is running from the deputy.
3. In any environment where a deputy knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with a volatile propellant, gasoline, natural gas, propane, or conditions that may be discovered when dealing with a methamphetamine production lab).
4. In any environment where the subject's fall could reasonably result in death or serious injury or in water where the subject could reasonably drown.
5. When the Stun Cuff EPCD has been placed on a prisoner, it becomes the primary electronic control device; application of the X-26 or M-26 Taser at the same time as the Stun-Cuff is prohibited unless the Stun-Cuff is inoperative.

E. Deployment of the X-26 / M-26 Taser ECD

1. In preparation for firing the X-26 / M-26 Taser ECD, deputies will point the device in a safe direction, arm it, and aim.
2. The deputy should make a reasonable attempt to warn the subject and fellow deputies of the impending use of the ECD by giving verbal warnings such as Taser! Taser! Taser!
3. When firing the device, the deputy shall energize the subject the least number of times and no longer than necessary to gain control of the suspect.
4. Deputies should secure the subject as soon as practical while they are disabled by the ECD power to minimize the number of deployment cycles.
5. The X-26 / M-26 Taser ECD may also be used in certain circumstances in a touch stun or drive stun mode. This involves pressing the unit against an appropriate target area and activating the device. It is important to note that when the device is used in this direct contact mode it is subject to the same deployment (use) guidelines and restrictions as those of the ECD in cartridge deployments.

**ADM 5-02-4                      GUIDELINES FOR STUN CUFF DEVICE**

- A. The EPCD device may be employed on a prisoner who is resisting efforts to control them by aggressive movements and an escalation of resistive force, or if a prisoner has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. Once in control of an EPCD, deputies will not remove the control module from their duty belts unless it is to be deployed in a use of force situation, maintenance of the device is being performed, maintenance of the deputy's duty belt is being done, or they have been directed to do so by a supervisor
- C. A determination to fit a prisoner with the Stun-Cuff EPCD will be made by the appropriate Division Chief Deputy or his designee, and will be based on the following factors:
  1. Prisoner's history of failing to comply with deputies orders.

2. High risk / high profile prisoner.
  3. High escape risk.
  4. Jury trial where the in-custody defendant is a significant risk based on their past history or nature of the charges.
- D. The transporting deputy in control of the Stun Cuff EPCD will notify the prisoner of the general effects of the device and the general types of circumstances under which it could be activated on the prisoner prior to placing it on them.
1. Deputies in control of the device will carry their activation remote in the approved carrier and will not relinquish control of the device to any person unless relieved of their post.
- E. Deployment of the Stun-cuff EPCD
1. When activating the EPCD, the deputy shall energize the subject the least number of times and no longer than necessary to gain control of the suspect.
  2. Deputies should secure the subject as soon as practical while they are disabled by the EPCD power to minimize the number of deployment cycles.
  3. When activating the EPCD, the deputy should make a reasonable attempt to warn the subject and fellow deputies of the impending use of the device by giving verbal warnings such as Taser! Taser! Taser!
  4. The Stun-Cuff EPCD device is a touch stun device; it will be applied on the prisoner's wrist or ankle.
  5. The decision to energize an electronic prisoner control device rests with the deputy in control of the device. It is based in the office's policy regarding use of force. No individual may order a deputy to energize the device.

**ADM 5-2-05                      AFTERCARE FOR AN ECD OR EPCD**

- A. When the X-26 / M-26 Taser ECD device has been used operationally, deputies will collect the cartridge, wire leads, darts and several of the AFIDs and enter these items into evidence at the Lea County Sheriff's Office.
- B. EMS will be called to complete a cursory check on each ECD/EPCD exposure.
- C. The following persons shall be transported to a medical facility for examination following exposure to an ECD/EPCD. Any person who:
  1. Is hit in a sensitive area (e.g. eyes, throat, neck, and groin) by the X-26 / M-26 Taser dart(s).
  2. Is in a potentially susceptible population such as children, the elderly, persons of small stature irrespective of age, or those who the deputy has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health.

3. Has been subjected to a continuous energy cycle of 15 seconds or more, or, has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to ECD/EPCD exposure.
- D. Deputies will advise detention personnel whenever they deploy an ECD or EPCD against a prisoner so the detention officers can monitor the suspect in accordance with their policy and procedure.
- E. If the deputy is advised by the detention facility that the prisoner suffers from vomiting, excessive burning, loss of control of breathing or any other adverse effect, the deputy will complete a supplemental report detailing the medical attention received.

**ADM 5-02-6                      OLEORESIN CAPSICUM (OC) SPRAY**

- A. OC Spray may be employed on a person who is resisting lawful efforts to control them by aggressive movements and an escalation of resistive force, or if a person has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.
- B. The use of OC Spray is target specific and will consist of the face, specifically the eyes.

**ADM 5-02-7                      DECONTAMINATION FOR (OC ) SPRAY**

- A. Decontamination begins after the suspect has been restrained with handcuffs or by other means and suspect's resistance has ceased.
- B. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
- C. Expose suspect to fresh air and flush affected area with water if he/she is not combative.
- D. Call medical personnel (EMS) if necessary.
- E. Upon arrival at a Detention Facility, the suspect should remove his/her clothing and shower before being placed in detention clothing and put in a cell.
- F. Deputies will advise detention personnel whenever they have deployed (OC) Spray against a prisoner so the detention officers can monitor the suspect in accordance with their policy and procedure.
- E. If the deputy is advised by the detention facility that the prisoner suffers from vomiting, excessive burning, loss of control of breathing or any other adverse effect, the deputy will complete a supplemental report detailing the medical attention received.
- G. Under no circumstances will the deputy apply any creams, salves or oils to the affected area.

**ADM 5-02-8                      ASP BATON**

- A. The baton may be employed on a person who is resisting lawful efforts to control them by aggressive movements and/or an escalation of resistive force, or if a person has escalated to using threatening statements and begins to close distance on the deputy or another person in a manner as if to batter them.

- B. The ASP Baton is not designed to be used as a club or bludgeon. Strikes should target the areas of the body which may result in compliance by the suspect or allow the deputy to gain control.
- C. Strikes to parts of the body (head, neck, spine, groin) capable of inflicting death or serious injury shall be avoiding unless justified by the guidelines of the deadly force section of this chapter.

**ADM 5-02-9                      12 GAUGE BEAN BAG SHOTGUN ROUND**

- A. All Shotguns firing less-than-lethal munitions will be dedicated to this purpose. The designated shotguns will be marked on the stock and barrel with yellow tape. Once marked, these shotguns will not be loaded with any rounds other than less-than-lethal munitions.
- B. Each deputy will receive training in the proper use and deployment of the less-than-lethal munitions prior to their use.
- C. All deputies issued the less-than-lethal munitions will be required to qualify on a course designated by the agency, thru the Training Division, with the less-than-lethal shotgun. This will be in addition to the qualification with the regular shotgun.
- D. All less-than-lethal munitions will be issued thru the Special Weapons and Tactics Team (SWAT) commander.

**ADM 5-02-10                      SPECIAL WEAPONS**

- A. Special purpose tactical munitions are provided as an alternative use of force. Standard issue and special issue weapons and ammunition will be deployed in accordance with appropriate Sheriff's Office policy and must be authorized by the Sheriff or their designee.
- B. Special purpose weapons utilized by SWAT members are carried and utilized only by the members trained in the use and care of such weapons under the direction of the team commander.
  - 1. Weapons will be maintained in the armory except during training, team mobilizations or as otherwise directed by the team commander.
- C. The shelf life will be checked during annual inventory and rotated out as practical. Special munitions includes, but are not limited to:
  - 1. Chemical agents
  - 2. Diversionary devices
  - 3. Less-lethal projectiles
- E. Certain munitions can start a fire when used inside a building. For this reason, the fire department will be asked to station a fire truck at a nearby predetermined, safe location.

- F. When chemical agents are deployed to control a situation, the supervisor in charge will ensure that a physical and identifiable means of escape or exit is afforded the crowd prior to disbursing the agent.
- G. The supervisor will make sure a report is completed on the event and that Use of Force standards for deployment and documentation are followed by all deputies involved.
- H. The supervisor will complete an inventory of the munitions and provide this report to the Division Chief Deputy.
- I. If all chemical agents are exhausted during an emergency situation, the armorer will provide immediate access to the reserve supply upon a command directive.

#### **ADM 5-02-11 FIREARMS AND DEADLY FORCE MECHANISMS**

- A. Firearms or any other type of deadly force mechanism may be employed against persons in order to protect the deputy or other persons from what the deputy reasonably believes to be an **immediate threat of death or serious physical injury**, or to prevent the escape of one reasonably believed to have committed a felony, **when there is probable cause to believe the suspect poses a significant threat of death or serious physical injury to the deputy or others.**
- B. Deputies shall not use deadly force in situations that would not be in accordance with New Mexico State Statutes.
- C. Where feasible, some warning should be given prior to engaging in the use of Deadly Force.
- D. Warning shots are prohibited, unless doing so could save the deputy or another from death or great bodily harm.

#### **ADM 5-2-12 REPORTING NON-DEADLY USE OF FORCE**

- A. In all instances where force is used (other than in training or for authorized recreational purposes), the primary deputy involved will notify their immediate supervisor and complete a written report of the incident and a Sheriff's Office use of force form.
  - 1. The uniform incident report and use of force form must, when examined together, provide a detailed description of the events leading to the necessity for the use of law enforcement action; the amount and type of action used; the nature and extent of injuries and treatment rendered to the deputies and subjects; the identity of combatants, deputies involved, witnesses and medical personnel involved, if applicable; and all pertinent information to the incident or crime which the deputy was responding to.
    - a. Assisting deputies will complete supplemental narratives to the form and uniform incident report.
    - b. Deputies will make every attempt to take photographs of any injuries a suspect or prisoner sustains. If the suspect or prisoner refuses to allow the deputy to take photographs, the deputy will note this in their report and request copies of

detention documentation photographs when available.

2. Copies of all reports will be submitted through the chain-of-command for review by the appropriate Division Chief Deputy to determine whether:
  - a. Current Policies, Rules, or Procedures were violated.
  - b. The relevant policy was clearly understandable and effective to cover the situation.
  - c. Training was adequate.
  - d. If the review indicates a serious violation of the office's use of force policy has occurred, the Division Chief Deputy will notify the Undersheriff and Sheriff.
3. If the force used involved the use of an ECD or EPCD, reviewing supervisors must also forward a copy of the uniform incident report and the office's use of force form to the office's Electronic Control and Electronic Prisoner Control device instructors. Further, deputies shall specifically articulate the rationale for any instance for which:
  - a. An ECD/EPCD is energized.
  - b. An energy cycle longer than 15 seconds in duration is used.
  - c. More than one ECD/EPCD is used against a subject in any given incident, or, an ECD/EPCD is used against an individual designated to be in the susceptible population as described previously.
4. If the force used involved the use of a firearm or other deadly force mechanism by the deputy that resulted in an injury that was not life-threatening to a person, the on-scene supervisor will ensure the Division Chief Deputy of the division involved, the Undersheriff and Sheriff are advised of the event as soon as practical.
5. An administrative review, internal affairs investigation, or both may be ordered by the Sheriff based on the circumstances of the event.
6. All findings of policy violations or training inadequacies shall be reported to the Sheriff.

**ADM 5-02-13                      RESPONSE TO A USE OF FORCE EVENT INVOLVING DEATH OR SERIOUS INJURY**

- A. The first supervisor on the scene will:
  1. If necessary, assign a deputy to resolve or assume investigative responsibility for the initial event the deputy involved in the use of deadly force was responding to.
  2. Assign deputies to secure the outer perimeter of the crime scene and to search for possible suspects believed to be in the area.
  3. Direct all witnesses, including involved personnel, in separate locations to ensure witness credibility.
  4. Remain on the perimeter of the crime scene to provide assistance.

5. Immediately initiate an area canvas to locate any witnesses who may have information.
  - a. Any witness found should be brought to the immediate attention of the primary investigator.
6. Ensure the Division Chief Deputy, Undersheriff and Sheriff are notified as soon as practical.
- B. The Sheriff or their designee shall request another agency conduct an investigation into the deadly force event itself.
  1. This request will normally involve the activation of the Officer Involved Fatal Incident Protocol, which is hereby appended to this policy by reference.
- C. The Sheriff's Office may choose to retain investigative responsibility for those events in which a deputy is injured or killed during a deadly encounter where there is no reason to suspect a criminal act on the part of the deputy.
- D. All participating law enforcement personnel other than principals, regardless of rank, will submit a report. All original reports will be submitted before personnel end their tour of duty.
- E. The Chief Deputy of the involved Division shall be the liaison between agencies. Copies of all reports, statements, and documentation of the incident will be furnished to the Sheriff and Undersheriff through the Chief Deputy of the involved division who will forward copies to the District and County Attorneys as soon as practical.
- F. Whenever a deputy is a principal participant in an incident involving the use of deadly force resulting in death or great bodily injury, the deputy shall be placed on administrative leave with pay; they will make themselves available to internal affairs investigators.
  1. Any deputy who has to resort to the use of deadly force will be directed to attend psychological counseling. A report of the licensed psychologist's findings will be forwarded to the Sheriff before the deputy will be allowed to return to duty; the report must indicate a fitness for duty prior to reinstatement.
  2. Returning to former duty status must be authorized by the Sheriff or his designee.